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10/600,972	06/20/2003	Yuka Yamada	MAT-8430US	6554
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P O BOX 980			COLIN, CARL G	
VALLEY FORGE, PA 19482-0980				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,972

Applicant(s)

YAMADA ET AL.

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. In communications filed on 7/10/2007, applicant amends claims 1 and 16. Claims 1-30 are presented for examination.

1.1 Applicant's arguments filed on 7/10/2007, page 6, have been fully considered, but they are not persuasive. Applicant argues that Sharood does not teach a network security managing section of a service provider. Examiner respectfully disagrees because Sharood discloses a monitoring facility or service provider (see column 1, lines 41-43) that meets the recitation of a network security managing section that monitors usage and security within the home network locally or through the Internet (see column 4, lines 34-38). Applicant argues that Sharood does not teach a network connecting section that communicates with a network security managing section, this feature is not recited in the claims nor in the specification. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a network connecting section that communicates with a network security managing section) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant adds "it is known to one of ordinary skill in the art that the home server is conventionally responsible for updating and maintaining network security and not a network security managing section". Examiner respectfully disagrees and provides applicant with prior

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art having a security management server or firewall manager for updating and maintaining network security. Upon further consideration, a new ground of rejection is set forth below.

Claim Objections

2. Claims 2, 3, 6-8, 10, 17, 18, 21-23, and 25 are objected to because the claims recite “the plurality of web terminals”, the network security system, or the web terminal. The article “the” should be replaced by --a--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 16-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,453,687 to **Sharood et al** in view of US Patent Publication 2003/0097590 to **Syvanne**.

As per claim 1, **Sharood et al** substantially discloses a provider for use with a home server that communicates with a home network system, said provider comprising: network connection interface (such as Internet portal of fig.1 and connection interfaces of fig. 3, and

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gateway 105) (see column 3, line 58 through column 4, line 3) that meets the recitation of a *network connecting section for use with an external network on one side of a firewall, said network connecting section used for creating a signal pathway between said external network and said home server* (computer system 190); **Sharood et al** further discloses interface 360 can also provide a firewall (see column 6, lines 9-13) and discloses (computer system 190 that meets the recitation of home server for communicating with a home network system (see column 4, lines 1-10 and fig. 1) and as shown in fig. 1, computer system 190 is on the other side on the firewall that meets the recitation of *said home server is on another side on said firewall*;

Sharood et al also discloses a control server and/or monitoring facility/service provider that meets the recitation of *network security managing section*; the control server and/or monitoring facility/service provider is on the same side of the firewall (see fig. 1 and fig. 3) that meets the recitation of *a network security managing section on the same side of the firewall as said network connecting section*. **Sharood et al** is silent about the network security manager initiates setting changes of the firewall. **Syvanne** in an analogous art teaches a home network protected by a firewall and the updates are provided by the personal firewall management (*network security managing section*) (see last three lines on page 5 continuing to page 6 in paragraph 47), **Syvanne** also discloses the invention provides advantages of a central management of personal firewalls (see page 2, paragraph 12), and the personal firewall management is located on the other side of the firewall from the device being protected which is beneficial for managing attacks from within the home network (see page 3, paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Sharood et al** to allow the service provider or the control server to perform updating

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of security rules of the firewall so as to manage attacks from within the home network as taught by **Syvanne**.

As per claim 16, a provider for use with a home server that communicates with a home network system, said provider comprising: network connection interface (such as Internet portal of fig.1 and connection interfaces of fig. 3, and gateway 105) (see column 3, line 58 through column 4, line 3 and column 22, lines 58-60) that meets the recitation of *an Internet connecting section for use with an external Internet Network on one side of a firewall, said network connecting section used for creating a signal pathway between said Internet Network and said home server* (computer system 190); **Sharood et al** further discloses interface 360 can also provide a firewall (see column 6, lines 9-13) and discloses (computer system 190 that meets the recitation of home server for communicating with a home network system (see column 4, lines 1-10 and fig. 1) and as shown in fig. 1, computer system 190 is on the other side on the firewall that meets the recitation of *said home server is on another side on said firewall*; **Sharood et al** also discloses a control server and/or monitoring facility/service provider that meets the recitation of *network security managing section*; the control server and/or monitoring facility/service provider is on the same side of the firewall (see fig. 1 and fig. 3) that meets the recitation of *a network security managing section on the same side of the firewall as said Internet connecting section*. **Sharood et al** is silent about the network security manager initiates setting changes of the firewall. **Syvanne** in an analogous art teaches a home network protected by a firewall and the updates are provided by the personal firewall management (*network security managing section*) (see last three lines on page 5 continuing to page 6 in paragraph 47),

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Syvanne also discloses the invention provides advantages of a central management of personal firewalls (see page 2, paragraph 12), and the personal firewall management is located on the other side of the firewall from the device being protected which is beneficial for managing attacks from within the home network (see page 3, paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Sharood et al** to allow the service provider or the control server to perform updating of security rules of the firewall so as to manage attacks from within the home network as taught by **Syvanne**.

As per claims 2 and 17, **Sharood et al** discloses *wherein the plurality of Web terminals is any selected from a personal computer, a television receiver and a home electronic appliance* (see column 4, lines 1-5 and lines 10-25).

As per claims 4, 6, 19, and 21, **Sharood et al** discloses the web terminals are connected to service providers and new applications and upgrades of existing software can be obtained through the Internet (see column 4, lines 1-5 and lines 34-47), but does not explicitly state upgrading the firewall. **Syvanne** in an analogous art teaches a home network protected by a firewall and the updates are provided by the personal firewall management (*network security managing section*) (see last three lines on page 5 continuing to page 6 in paragraph 47), **Syvanne** also discloses the invention provides advantages of a central management of personal firewalls (see page 2, paragraph 12), and the personal firewall management is located on the other side of the firewall from the device being protected which is beneficial for managing attacks from within

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the home network (see page 3, paragraph 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of **Sharood et al** to allow the service provider or the control server to perform updating of security rules of the firewall so as to manage attacks from within the home network as taught by **Syvanne**.

As per claims 5 and 20, the references as combined above disclose the claimed system of claims 4 and 19. **Sharood et al** further discloses service providers may remotely monitor security within the home (see column 4, lines 34-47) that meets the recitation of *wherein network security managing section is to provide an optional service for security check*.

4. **Claims 3, 7-8, 10-14, 18, 22, 23, and 25-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,453,687 to **Sharood et al** in view of US Patent Publication 2003/0097590 to **Syvanne** as applied to claims 1 and 16 and further in view of US Patent Publication 2004/0006586 to **Melchione et al**.

As per claims 3 and 18, **Sharood et al** substantially discloses *wherein the network security system includes at least a firewall* (see column 19, lines 20-21 and lines 33-37).

Sharood et al is concerned about security disclosing a firewall protection against unauthorized access as disclosed above, but is silent about the network security system includes in addition to a firewall an *anti-virus software*. However, **Melchione et al** in an analogous art teaches an application service provider data center providing application services (see page 3, paragraph 58) to a customer or group of administered devices (see page 3, paragraphs 49, 54-55). **Melchione**

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et al further discloses firewall and anti-virus software as examples of application services administered by the provider (see page 3, paragraph 58 and page 14, paragraph 212) including update to the anti-virus software (see page 3, paragraphs 196 and 199). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to also include *anti-virus software* as taught by **Melchione et al**. One of ordinary skill in the art would have been lead to do so because since the appliances are exposed over a public network such as the Internet using *anti-virus software* would provide additional protection against potential threats such as viruses as suggested by **Melchione et al** (see paragraphs 197-199 and 212).

As per claims 7 and 22, **Sharood et al** substantially discloses the claimed system of claims 1 and 16. **Sharood et al** does not explicitly disclose an optional service for getting different connection speed based on a network parameter. However, **Melchione et al** in an analogous art teaches various functionalities between devices and application service provider data center wherein an agent can query the provider for software to be installed (see page 1, paragraph 13 and page 10, paragraphs 148-149). **Melchione et al** discloses network address translator for addressing network parameter in file sharing and using high speed link (see page 7, paragraphs 105-107) and further discloses the server may return a list of several places where the software can be obtained, since the available bandwidth is different depending on which server or network address the device chooses, the connection speed will be affected (see page 4, paragraph 71 and page 10, paragraph 150) that meets the recitation of *wherein the provider is further to provide for proxy, an optional service for adjusting, a network parameter of a best-*

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effort connecting service that connection speed varies depending upon a network parameter on the Web terminal as interpreted by Examiner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to provide the option of connection speed that varies because it would balance the load at the data center or provider; “a network traffic bottleneck at the data center can be reduced” as suggested by **Melchione et al** (see page 10, paragraph 150).

As per claims 8 and 23, the references as combined above disclose the claimed system of claims 1 and 16. **Melchione et al** discloses monitoring for producing reports of virus infection including configuration and installation of software and automatically updating (see page 14, paragraph 212) and further discloses multiple available proxy servers can be helpful in case one proxy fails (see page 13, paragraph 189) that meets the recitation of *wherein the provider is further to provide an optional service for restoring, for proxy, from a failure in the event of a failure on the network system caused due to new or unknown security hole or virus*. The availability of other proxy servers in case of failure of a proxy as interpreted by Examiner is an optional service for restoring for proxy from an unknown security hole. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to provide way for restoring in case of failure as suggested by **Melchione et al** (see page 13, paragraphs 189-190) so as to keep the network functioning.

As per claims 10 and 25, **Melchione et al** further discloses billing for application services so that the customer provides compensation to the service provider for the services (see page 4,

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paragraphs 62-63). It would have been obvious to one of ordinary skill in the art to modify the system as combined above to bill the user such as providing monthly subscription as disclosed by **Melchione et al** so as to compensate the service provider for the application services (see page 4, paragraph 63).

As per claims 11-14 and 26-29 these claims recite similar limitations as claims 5-9 and 20-24 respectively except for charging (make a bill) for the services disclosed in the rejection of claims 5-9 and 20-24, **Melchione et al** further discloses billing for application services so that the customer provides compensation to the service provider for the services (see page 4, paragraphs 62-63) and suggests a contractual agreement by paying a monthly fee to acquire access to the application services (see page 14, paragraph 201). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as combined above to bill the user for the services listed in claims 5-9 and 20-24 as suggested by **Melchione et al** above so as to compensate the service provider such as providing monthly subscription for the application services (see page 4, paragraph 63 and page 14, paragraph 201).

5. **Claims 9, 15, 24, and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,453,687 to **Sharood et al** in view of US Patent Publication 2003/0097590 to **Syvanne** as applied to claims 1 and 16 and further in view of US Patent 6,542,897 to **Lee**.

As per claims 9 and 24, **Sharood et al** discloses the claimed system of claims 1 and 16. **Sharood et al** suggests service companies to offer remote monitoring facilities to reduce the

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cost of repairs for all such connected appliances (see column 25, lines 15-20). **Sharood et al** does not explicitly disclose an optional service for a user to take a commentary lecture on network security, which is interpreted as an on-line help or support documentation on the connected appliances. **Lee** in an analogous art teaches providing customer support service with respect to a customer product using the Internet including on-line help and documentation with respect to specific client support services (see abstract and column 2, lines 30-58; figures 4, 6, and 13-15). **Lee** further discloses (column 1, line 48 through column 2, line 15) several prior art documents for providing on-line help and documentation with respect to specific client support services to reduce product support costs and improve customer satisfaction. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system as combined above to provide to the user an optional service, referring the user to on-line documentation or on-line help with respect to connected network devices as suggested by **Lee** because the additional support service would ensure high level customer satisfaction and minimize after-service cost as suggested by **Lee** (see column 2, lines 10-15).

As per claims 15 and 30, the references as combined above disclose the claimed system of claims 9 and 24. **Lee** discloses an improvement to reduce service costs. It is apparent that the service proposed by **Lee** can be offered for a small service charge since it is faster and ensure a higher level of customer satisfaction than prior services. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to bill for the support service as disclosed in **Lee** so as to compensate the provider and allow the service to be maintained.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art teaches many of the claimed features regarding network security manager managing and updating firewall. (see PTO-Form 892).

6.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 571-272-3862. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Colin/

Patent Examiner, A.U. 2136

September 18, 2007

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9,28,07